



IDAHO Supreme Court

JUDICIAL/ADMINISTRATIVE NEWS

OCTOBER 2004

Court Adopts CAO Rule

The Idaho Supreme Court has adopted a new rule providing for enhanced uniformity in the operations of Idaho's successful Court Assistance Offices (CAO). The new rule became effective October 1.

Judges Joel Horton and Michael Dennard recently discussed the evolution of the state's CAOs and the need for a consistent, statewide approach to operations. They explained that, by necessity, the various CAOs were developed using a variety of approaches, but now the offices truly have become an extension of the Idaho courts and perform a highly visible function for the public.

Judge Dennard said because of the "variety of ways of running and organizing the initial effort, we have reached the point where it's important to provide some consistency as to who runs, who supervises, and who establishes the procedures" for Court Assistance Offices.

Both judges said the response to the CAOs continues to be almost uniformly positive and the utilization of the service continues to grow.

Judge Horton said that surveys have "uniformly been in the high 90 percent in terms of customer satisfaction. That is just stunning to me, given that people are very often involved in some of the most difficult times of their lives" when they access the offices.

The judges noted that during the month of August, the Ada County office alone provided service to more than 1,500 individuals.

Review the new rule *Re: Order Adopting I.C.A.R. Rule 53 - September 13, 2004 - effective October 1, 2004*

Protocol Recommended for Interpreters

The role of a court interpreter is to render a complete and accurate interpretation or translation, without altering, omitting, or adding anything to what is stated or written. The level of expertise that is required for this profession is far greater than that required for everyday bilingual conversation.

Court interpreters must be able to interpret the specialized language of judges and attorneys, as well as the street slang of witnesses and the technical jargon of criminologists, police officers, and expert witnesses. Most people do not have full command of all registers of both English and the foreign language and, therefore, require special training to acquire it.

In order to ensure that interpreters with the highest level of expertise are working in the Idaho courts, the Court Interpreter Committee strongly recommends the following priority of appointment.

- ⚖ Certified interpreters
- ⚖ Individuals who have taken and passed the written screening exam, attended the two-day orientation workshop, and have read and understand the Code of Professional Responsibility
- ⚖ Individuals who speak the language, are prepared to interpret, and have read and understand the Code of Professional Responsibility

If you have questions regarding the Court Interpreter Training and Certification Program or if you have questions or concerns regarding interpreting issues in your county, please contact Janica Bisharat at 801-763-7930 or jbisharat@qwest.net.

"Court Interpreter" Section Updated on Court's Website

The *Court Interpreter section* of the Court's website has recently been revised to include:

- ⚖ rosters of certified and non-certified court interpreters
- ⚖ application forms
- ⚖ frequently asked questions
- ⚖ certification and training information
- ⚖ policies and guidelines
- ⚖ reference material links

Interpreter Workshops Held

The Idaho Supreme Court and the United States District Court recently jointly hosted two court interpreter orientation workshops and a court interpreter skill-building workshop. All three workshops were a great success.

Orientation workshops for Spanish and languages other than Spanish were held earlier this summer with a total of 27 participants in attendance. The two-day orientation workshops are a prerequisite to the certification exam.

The agenda included the Code of Conduct; "Principles and Practice, Skills and Modes of Interpreting," including small group discussions and role-playing with breakout sessions to practice the modes of

interpreting, criminal procedure and legal terminology. Also included on the agenda were "Resources, References, and Self-Study," "Vocabulary Development," and "What Does A Certification Exam Look Like?".

The six-day, Spanish language skill-building workshop was held in July and August, with 13 participants in attendance. Workshop participants received one-on-one time with experienced faculty, as well as intensive practice in the three modes of interpreting.

Phase I of the certification exam was administered to sixteen candidates on September 25, 2004. Phase II of the certification exam will be administered on November 6, 2004.

Fishing Outing Marks Anniversary



The 30th Anniversary of the Juvenile Court in Ada County was recognized on September 20 by an Open House at the Juvenile Court. A Bass Fishing Tournament at C.J. Strike Reservoir preceded the open house on September 19.

The Bass Fishing Federation collaborated with the Juvenile Court to take 38 probationers on the bass fishing excursion for the tournament.

The belief that the opportunity to participate in such a positive, pro-social activity, with sportsmen who can provide good mentoring and role modeling, is an excellent way to impact a child's life and to celebrate 30 years of commitment to children and families.

Judge Carnaroli asked to borrow Judge Ronald Bush's chair after being sworn in and robed, he then went up and sat behind the bench, pulled out his camera and said, "This is a Kodak moment!"



A round-up of judicial personnel making news across Idaho

The Honorable Rick Carnaroli being sworn in by Judge Peter McDermott.



Prior to working for the City of Pocatello, Carnaroli was an associate with Service, Gasser and Kerl, where he practiced in areas of personal injury, domestic relations, criminal, collection, adoption, guardianship, contract and partnership agreements and other areas of the law.

Carnaroli received his Bachelor of Arts degree from Pacific University in Forest Grove, Oregon in 1980 and his Juris Doctorate from Willamette University College of Law in 1985. He is currently serving on the Board of Commissioners for the Idaho State Bar. He is very active in the community and finds special interest in working in community youth athletic programs.

Justice Peter D. McDermott swore Judge Carnaroli into office on October 1, 2004.

Bannock County Magistrate Judge Named

The Sixth Judicial Magistrate Commission Chairman, Judge N. Randy Smith, recently announced the appointment of Rudolph Enrico Carnaroli, better known as Rick Carnaroli, as Bannock County's Magistrate Judge. Judge R. Ted Israel previously held the position and is currently serving as a Magistrate Judge in Blaine County.

Judge Smith indicated that the Magistrate Commission interviewed sixteen applicants. Judge Smith said the decision regarding the appointment was extremely difficult due to the exceptional qualifications of the applicants, but he and the Magistrate Commissioners feel confident that Carnaroli will serve Bannock County well.

Newly appointed magistrates serve an 18-month probation period after which they stand for retention in the county where they are seated. If they are retained, they serve a term of four years.

Carnaroli, 45, has served as Chief Civil Deputy/Risk Manager for the City of Pocatello since 1994. During his tenure with the city, he practiced in the areas of municipal, employment, tort, contract, real property, criminal, constitutional, Native American, personnel and insurance law.

He drafted ordinances and provided legal research for civil and criminal issues relating to the City of Pocatello. He also served as an advisor to the Mayor, City Council, department heads and employees on issues as they arose.

Bingham County Has New Magistrate Judge

The Seventh Judicial District Magistrate Commission selected Scott Hansen as the new Bingham County Magistrate Judge. Hansen will fill the vacancy left by Judge R. James Archibald.

Scott Hansen received his Juris Doctorate degree from Brigham Young University Law School in 1986. He was a partner in the law firm of Blazer, Sorensen and Hansen from 1986 to the present.

Hansen has been an active member in the Bingham County community, serving as a member of the Blackfoot Senior Citizen Center and the Bingham County Crisis Center. He also has served as Tribal Judge for the Shoshone-Bannock Nation from 1998 to present.

In the past, he served as part-time Bingham County public defender. Hansen's private practice handled divorces, custody, estates, real estate, criminal, personal injury, bankruptcy, and collection matters.

The Magistrate Commission Chair, Administrative District Judge James C. Herndon, announced the appointment. Judge Herndon indicated that there were six highly qualified applicants, making the decision extremely difficult, although he and the Magistrate Commission were confident that the people of Bingham County would be well served by the appointee.

Clearwater County Magistrate Judge Applicants

The following individuals have submitted applications for the Magistrate Judge position in Clearwater County:

Name	Occupation	Residence
Lori M. Gilmore	Attorney / Lewis Co. Public Defender	Kamiah, ID
April A. Godbe	Attorney / Clearwater Co. Public Defender	Lewiston, ID
Cynthia A. Jordan	Attorney, private practice	Spokane, WA
Paul R. Kroeger	Attorney, private practice	Wendell, ID
Edwin L. Litteneker	Attorney, private practice	Lewiston, ID
Douglas P. Payne	Benewah County Prosecutor	St. Maries, ID
Randall W. Robinson	Attorney, Idaho Legal Aid	Lewiston, ID
Denise L. Rosen-Stevens	Attorney, private practice	Lewiston, ID
John A. Swayne	Clearwater County Prosecutor	Orofino, ID
Kimron R. Torgerson	Lewis County Prosecutor	Nezperce, ID
E. Clayne Tyler	Attorney / Clearwater Co. Deputy Prosecutor	Orofino, ID
Wesley G. Wilhite	Attorney, private practice	Fruitland, ID

The applicants will be interviewed and the new judge selected by the Magistrate Commission of the Second Judicial District. The Commission will also monitor the judge's performance during the 18-month probationary period.

The membership of the Magistrate Commission is set by Idaho Code §1-2203 and consists of the Chairman of the Board of County Commissioners from each county in the district; three

mayors from the district, one of whom must be from a city of over ten thousand population, to be appointed by the governor; two qualified electors residing within the district to be appointed by the governor; the administrative judge of the district; two attorneys nominated by the District Bar Association and appointed by the Idaho State Bar; and a magistrate judge from the district (the only non-voting member) who is appointed by the administrative judge.

Henderson Honored

Former Idaho deputy attorney general and current legal counsel to the Idaho Supreme Court, Michael Henderson, received an award of appreciation from the Peace Officer Standards and Training Council. The award recognizes his public service from April 1997 to June 2004.

Henderson was commended for his dedication to enhancing the professionalism of Idaho law enforcement and criminal justice personnel.



PHOTO: L-R: Dan Chadwick, Director Michael Becar, Michael Henderson, and Sheriff Rocky Watson

New Hire at SRBA

The Snake River Basin Adjudication (SRBA) court completed the search for a Special Master to replace Tom Cushman who retired in June. The successful candidate is Ted Booth. Some of you may recall that Ted was the SRBA Law Clerk from 1991-2000. We want to welcome Ted back to the Judiciary.

New President for Clerks

Cathy Larson has been the elected Clerk and Recorder of Lewis County in north central Idaho for the last 17 years and she recently assumed new responsibilities heading the Idaho Association for Clerks and Recorders.

Larson emphasized that the "Association gets together for educational purposes. We draw on each other for our different experience so that we aren't reinventing the wheel."

Larson said the court duties handled as a part of the clerk's responsibility have become more and more demanding. "I'm in the fifth smallest county in the state and five or six years ago I was able to have a finger in the court work all the time," Larson said. "But the work load has grown enough that I can't do that anymore."

Larson said when she first went to work for Lewis County one full-time and one part-time employee worked on court business, now the county has three full-time employees devoted to that work. Larson said continued improvements in the ISTARS system have allowed her county to keep pace with the increased workload.

The new president of the Clerks Association said she is still developing plans for the 2005 annual conference, and is determined to make the gathering a valuable, hands-on conference that will allow clerks to share experiences and learn from each other.

Fifth District Coordinator Named

Anita Jones is currently providing oversight and facilitation of parent education in the Fifth Judicial District. She is expanding children's education into other counties in the district and is providing Alternative Dispute Resolution (ADR) screening and referral reports to judges.

Jones consults with families to help them identify underlying problems that keep them involved in the courts. She works with families to address their unique needs in an effort to resolve their cases. Anita coordinates services for families and is developing permanent settings in the community where supervised access and supervised exchanges may occur.

An Idaho native, Jones received her undergraduate degree in Business Administration and Behavioral Sciences from Lewis Clark State College, through the school's long distance learning program. She earned a graduate degree in counseling from Boise State University by commuting to Boise from Burley for three and a half years.

Jones is licensed as a Clinical Professional Counselor, a Marriage and Family Therapist and a Master Addiction Counselor. She is actively involved in American Counseling Association and International Marriage and Family Therapist, presently serving on a national task force to address impaired professionals.

Jones said a primary goal in her new position is the building of relationships between community providers and the court.

Welcome, Anita!

Important Websites

-  **Idaho Supreme Court:** <http://www.isc.idaho.gov>
-  **Idaho State Law Library:** <http://www.isll.idaho.gov>
-  **Idaho State Bar:** <http://www.idaho.gov/isb>
-  **Court Assistance Offices:** <http://www2.state.id.us/cao>
-  **Idaho Law Foundation 2003 – 2004 Annual Report Online:** http://www2.state.id.us/isb/gen/ilf_info.htm#AnnRpt
-  **National Center for State Courts:** <http://www.ncsconline.org>
-  **Broward County Expands Experimental Court for Mentally Ill**
Article about Broward County, Florida expanding the court for mentally ill to include low-level felony cases:
<http://sun-sentinel.com/news/local/southflorida/sfl-cmental23aug25,1,4387787.story>





Domestic Violence Conference A Success

More than 230 participants gathered recently for a conference centered on skill building in domestic violence cases. The Idaho Supreme Court convened the conference "Enhancing Skills in Domestic Violence Cases – What We Have Learned in 25 Years".

Funded by grants from STOP DV, the Idaho State Police, the Family Law Section of the Idaho State Bar Association, and the Fifth District Bar Association, the conference attracted judges and other court personnel, attorneys (prosecutors, defense counsel, family law practitioners), mediators, parenting coordinators, law enforcement personnel, advocates, and others dealing with domestic violence issues.

The goal for the conference was to provide nationally recognized experts in domestic violence a forum for dialogue. The conference offered participants an opportunity to think beyond the scope of current practice in order to improve methods and skills for the handling of these challenging issues.

Six nationally recognized experts from locations ranging from New York City to Seattle, and points in between, conducted various workshops dealing with all aspects of domestic violence issues.

The dialogue among the participants was dynamic and constructive, and the evaluations were outstanding. Thank you to all the participants and all who contributed to the success of the conference, including Senior Judge Lowell Castleton, Chair and Judicial Education Coordinator for the Idaho judiciary; Senior Judge Michael Redman, Judicial Education Committee; Viki Howard, Statewide Coordinator of Family Court Services; Debra Alsaker-Burke, Attorney and Staff to the Child Protection Committee; Sharon Burke, Juvenile Courts Coordinator and County Liaison; Bob Taylor, Idaho State Police; Valerie Reynolds, Administrative Legal Assistant; and Corrie Keller, Director of Court Services, Idaho Supreme Court.

New Judges Orientation, Phase II

Monday and Tuesday, October 25 and October 26 are the dates for Phase II of the New Judges Orientation for magistrate judges. Topics to be reviewed include small claims, domestic violence, involuntary mental commitments, guardianships/ termination of parental rights, CPA proceedings and juvenile corrections, and mental competency under I.C. §18-211 and 212.

All judges are welcome to register for and attend these sessions, as well as the full Magistrate Judges Institute.

2004 Magistrate Judges Institute Set

The Annual Magistrate Judges Institute will formally begin at 1:30 pm on Tuesday, October 26, 2004 and run through Friday, Noon October 29, 2004.

In addition to regular curriculum such as the criminal and civil case law developments, there will be concurrent rotating workshops on such topics as computer research skills and general computer skills development. Also highlighted will be emerging issues for Magistrate Judges, and a segment focusing on effective treatment strategies for adults and juveniles in mental health and drug related cases.

Robert Hamlin will report and answer questions, as will Judge Thomas Borreson and other members of the Idaho Judicial Council.

Justice Daniel Eismann will conduct a session on contempt of court issues. Merlyn Clark and Professor Craig Lewis will again present a session on evidence, and James Bevis will provide his annual update on family law. Other topics of interest are also planned.

If you have questions or concerns, please feel free to call or email Judge Lowell Castleton, 208-371-9370, email: Lcastleton@idcourts.net.





Drug Court Service Project Utilizes Old Cell Phones

Canyon County Drug Court requires all participants to complete a community service project as part of the drug court graduation requirement. One of the participants has made the collection and redistribution of cell phones her drug court community service project.

Cell phones that are still in working condition, but no longer connected to a monthly service contract, can be used by individuals to summon emergency help. If you have recently changed your cell phone provider and have a working cell phone you no longer need, you can support this project.

Cell phones can be turned in to Norma Jaeger, at the Supreme Court or to Linda Polhemus Davis, the Canyon County Drug Court Coordinator. For additional information, call Norma Jaeger, 208-947-7406. In addition to supporting this project, your old cell phone could save a life.

Drug Court Session A Success

A planning session was recently conducted to examine current efforts and possible future expansion in using the drug court model for the repeat alcohol impaired driver. Meeting participants included judges, traffic safety officials, and treatment and court administrators.

In 2003, there were a total of 10,231 DUI arrests reported in Idaho. While 50-60% were first offenses, the rest were repeat offenses, many involving multiple prior arrests. In the same time period, there were

115 fatalities involving impaired drivers, representing 39% of the state's automobile fatalities. Currently there are three DUI-specific courts addressing repeat DUI cases and another five misdemeanor drug courts that also supervise DUI cases.

A recent evaluation of the Kootenai County DUI court, conducted under the auspices of the National Highway Traffic Safety Administration, demonstrated that this effort has significantly reduced re-offenses among DUI Court participants in Kootenai County.

Nationally the Highway Safety Administration is interested in encouraging efforts to expand the drug court model to address the DUI/DWI issue.

At the conclusion of the Idaho planning session, it was agreed to analyze highway traffic safety data to identify "DUI hot spots" and invite applications from those jurisdictions to expand or initiate a DUI court.

Expanded funding will depend on the eventual reauthorization of federal transportation dollars, together with increased treatment funds that could be available through a major federal grant recently awarded to Idaho for substance abuse treatment. Whatever the prospect of added funds, this planning effort will enable Idaho to determine how the drug court model might best address the threat of the impaired driver.



New Orders & Rule Changes

For current New Orders or Rule Changes, go to <http://www.isc.idaho.gov/rulesamd.htm>

Amendments to I.C.A.R. Rule 47 - September 13, 2004 - Effective October 1, 2004
(relating to record checks for parenting coordinators)

Amendment of I.B.C.R. Rules - September 13, 2004 - Effective Immediately

In Re: Local Rules of the 1st Judicial District, effective September 13, 2004

In Re: Committee To Reduce Delays in Foster Care:
Foster Care Committee renamed CHILD PROTECTION COMMITTEE; plus membership updates.



Nearly one hundred years ago, 1908, an Idaho Supreme Court Justice wrote of the purposes of juvenile court, a description that remains essentially unchanged today. Juvenile Court should "confer a benefit both upon the child and the community in the way of surrounding the child with better and more elevating influences, and of educating and training him in the direction of good citizenship and thereby saving him to society and adding a good useful citizen to the community."

Discovery Survey Completed

The Idaho Supreme Court recently formed a committee to review and consider the Idaho discovery rules as well as issues and opinions that may be held relating to the adequacy and use of these rules. Judge Randy Smith was appointed chair of the committee.

The committee designed a survey to assess areas that might be considered and addressed. More than 3,100 surveys were mailed to members of the Idaho State Bar, affiliates and judges, with 266 returned, representing an 8.4% response rate.

A meeting has been scheduled for November 19 to review survey results and consider rule changes that might be beneficial, or to decide that no changes to the rules are needed at this time.

Millennium Committee Updated

Judge John Varin, Chairman of the Juvenile Justice Team of Magistrate Judges, and Sharon Burke, Statewide Juvenile Court Coordinator, recently made a presentation to the Millennium Fund Committee, on status offender programs and youth courts funded by the state's Millennium Fund.

The presentation illustrated characteristics of the teenage brain and the possibility of risky behavior and impulsiveness that could lead to poor choices. The benefits of early intervention were highlighted along with statistics, which provided confirmation.

The Youth Court budget figures were reviewed, including the number of youth that have been served in Youth Courts over the past year.

Status Offender Services were also described with a detailed review of budget allocations and the number of youth that have been served in the Status Offender Program.



Payments in ISTARS

In the ISTARS payment screen you will note that there is a check box next to which the wording "Repost of a previous void" is written.

Click (or use your spacebar) to place a check in this box.

Case Payments

Party: Doe, Jane

Received of: Doe, Jane

Method: Cash

Amount to be applied: .00

☐ Manual receipt

☒ Print receipt

☐ Manual distribution

☐ Repost of previous void

2 Outstanding Warrants

1 outstanding summons

Overdue: FTP

Clerk Alert

- ⚖ The Cash Balance window will include this payment in the total amount collected, and the printed report will list the detail of this receipt on the last page.
- ⚖ When that type of entry is made, your cash balance for the current date is sure to be off. A notation made on the printed report will help you identify "why" it is off.

Also FYI: When voiding a payment to repost it be sure to void and re-enter on the same day. Failure to do this may cause general ledger problems for your month end if the payment is voided, and not reinserted in the same month.

It is important to check that box when entering a payment that has been previously entered in the system, then voided and reposted, especially if the original payment came through the system on a day other than the current date.



NCPERS Open Enrollment

Members of the PERSI Retirement System can purchase term life coverage through the Voluntary Group Life Plan with the National Conference on Public Employees Retirement Systems (NCPERS). The plan is available through our participation in NCPERS.

The life insurance plan is designed to supplement other life insurance employees may have through existing benefit programs or that they may have purchased on their own. The insurance offers the opportunity to purchase affordable term life insurance with no medical evidence requirements.

Those interested should consider the following features:

- ⚖ The NCPERS Plan is an affordable plan, regardless of age.
- ⚖ The Plan provides the greatest amount of insurance when you need it most.
- ⚖ Coverage for eligible dependents is included in the premium amount.
- ⚖ There is no need to answer health questions or take a medical exam if enrollment takes place during the open enrollment period. Coverage is effective the first day of the month following payroll deduction.
- ⚖ Any active member who has been covered as an active participant for at least one month can elect to continue coverage into retirement if they are receiving a monthly pension check from PERSI.

Participants may enroll for this affordable coverage only during the open enrollment period September 1 – November 15, 2004.

If you are not currently enrolled in NCPERS and would like more information, please call the Court Services Office at 208-334-2248 or e-mail pdougherty@idcourts.net to request a brochure.

If you decide to take advantage of this coverage simply complete the enrollment form that is part of the brochure and return it to the Court Services Office, Corrie Keller, no later than **November 15, 2004**.

Please feel free to call Gallagher Byerly, Inc. at 1-800-525-8056, if you have any questions about the coverage or enrollment process.

Training held in Pocatello

A supervised access and supervised exchange training was held at Idaho State University in Pocatello in August. The training provided participants with the essential skills and best practices of supervised access and exchange services.

There was statewide participation in the gathering with new and current providers attending from all seven judicial districts.

The training included presentations on understanding the dynamics of domestic violence, cultural sensitivity, separation and divorce, child development, substance abuse and mental health issues, with special considerations in child abuse cases.

The training was made possible through a Safe Haven grant obtained by Bannock County in partnership with Family Services Alliance and the Bannock County Domestic Violence and Sexual Assault Task Force. The Children and Families in the Courts Committee also provided funds for the training session.

For more information about the training or supervised access and supervised exchange programs in your district, contact your local Family Court Services Coordinator or Viki Howard at 208-384-5910 or viki1@cablone.net.



2nd Judicial District

Clearwater and Lewis counties are implementing the new ISTARs system, which means that the 2nd district is now fully converted.

JUDICIAL/ADMINISTRATIVE NEWS
is published by the Idaho Supreme Court.

Chief Justice Gerald F. Schroeder

Justice Linda Copple Trout

Justice Wayne L. Kidwell

Justice Daniel T. Eismann

Justice Roger S. Burdick

We are very interested in your news and information. If you have or are aware of items that should be featured in a future edition of Judicial/Administrative News please let us know!

News items may be submitted for publication to Patricia Tobias:

451 West State St.
Boise, ID 83702
Phone: 208-334-2246
FAX: 208-947-7590
E-mail: ptobias@isc.state.id.us

Thanks!



Note: For the most up-to-date Judicial Calendar, check the Judiciary's homepage at <http://www.isc.idaho.gov/calendar.htm>